REMARKS/ARGUMENTS

This amendment is respectfully submitted in response to the Final Office Action dated February 4, 2004.

I. Introduction

Previously, claims 23-29 were canceled. Accordingly, claims 1-22 are now pending.

In the Office Action the Examiner rejected claims 1-22 as being unpatentable over U.S. Patent No. 5,884,032 to Bateman et al. in view of US Patent No. 6,141,412 to Smith et al.

As will be discussed below, the Bateman et al. patent, when considered alone or in combination with the Smith et al. patent does not anticipate or render obvious any of the pending claims.

II. The Present Invention

In contrast to other systems, in some embodiments of the present invention, **customer service representative telephone number information is included in a Web page. This telephone number information is combined, in various embodiments, by a customer's computer with a customer's telephone number, to generate a call initiation message.** This action by the user's computer may be in response to the customer selecting a call initiation button on a Web page including the telephone information corresponding to at least one customer service representative. The generated call initiation message is transmitted, e.g., from the customer's computer to telephone equipment capable of initiating and bridging calls. Since the customer's computer supplies both the customer telephone number, and a telephone number corresponding to at least one customer service representative, there is no need for a business to provide a special server or other device to supply customer agent

telephone number information directly to the telephone equipment used to initiate calls to the customer and representative.

From an E-business perspective, the above method has the advantage of an implementation where an E-business site need not directly interact with the telephone equipment site to initiate a call since all the information required to establish a telephone session between a customer and customer service representative is included in the call initiation message sent by the customer's computer.

In the above manner, the methods and apparatus of the present invention can be used to facilitate E-business transactions, reduce or eliminate the need for E-businesses to make substantial investments in telephone equipment and, at the same time, provide a customer service representative greater opportunities to work from home.

II. The Bateman et al. Patent

The Bateman et al. patent fails to teach, disclose or suggest a call initiation message from a customer's computer that includes **both** a customer telephone number and a telephone number corresponding to at least one customer service representative. In fact, in the various embodiments described **in the Bateman et al. patent there is NO need for such a message including both telephone numbers.** A special server which can store customer service agent contact information is used, thereby **avoiding** the need for the customer's equipment to generate a call initiation message **including the customer agent telephone number**. Alternatively, the customer's device is used to dial a telephone number corresponding to a customer agent thereby **avoiding** the need for a message **including the customer's telephone number.**

The Bateman et al. patent describes a customer contact channel changer that enables the integration of different customer contact channels such as live call center ACD agents and World Wide Web (WWW) servers. Various embodiments are described in the Bateman et al. patent. In one embodiment illustrated in Fig. 7 which

uses the system shown in Fig. 6, a customer viewing product information can select a "make call" feature on the screen (see block 7-2). The "make call" selection by the customer, initiates a series of steps to set up a call to either an ACD group or an individual which ultimately results in the customer being called and the customer's phone ringing as shown in box 7-3. (See col. 8, lines 46-61) Notably, this implementation **involves the use of server(s) 109 in the network as shown in Fig. 6 to initiate the call.** This is clear from a review of **box 7-3** in Fig. 7 which states **"BEACON CTI SETS UP CALL** TO SUBSCRIBER'S PHONE." **The call to the ACD system in step 7-4 follows the triggering of the call to the subscriber by the Beacon CTI 109 which is used to control the telephone switch 116.** Thus, in the Fig 6 and 7 embodiments, a special server (Beacon CTI) in the network is relied upon to control call initiation in response to the user selecting the make call feature. **There is no indication or suggestion in any portion of the discussion of the Fig. 6 and 7 embodiments of using a single call initiation message, from the customer's computer, including both a customer telephone number and a telephone number corresponding to at least one customer representative to initiate the call process.**

With regard to Fig. 9 , the Bateman patent describes a system where the customer's computer initiates a call to the ACD system using information obtained from a company's server. This approach, while avoiding the need for the business to support call initiation capability requires the customer's system to actually perform the dialing operation. **Since the customer's equipment in the Fig. 9 embodiment is responsible for dialing, there is clearly no need for a message including the customer's telephone number and a telephone number corresponding to at least one customer service representative.**

II. The Smith et al. Patent

The Smith et al. patent is directed to a task processing system which may be used in a telephony call center. The Smith et al. patent describes the case where a customer calls and requests a specific agent. (See, col. 2, lines 11-14). This is clear from col. 2, lines 11-14 where the Smith patent states "a customer may call and want to talk to a specific agent. **If the requested agent** is busy, the call may be unconnectable, or the caller must wait on hold for an indefinite period". In the Smith et al. patent the agent is clearly not identified by the telephone number or the agent would not have to be "requested". While in the background section of the Smith et al. patent the need for improved callback techniques is described, this is in the context of a CALL to a center and not in response to a message, e.g., an E-mail message, communicated over the Internet or information obtained from a Web page or Web server.

The Smith et al. patent is devoid of any mention of E-mail, the Internet or a Web server. **While Smith et al. makes it clear that some customers may want to talk with a preferred agent, it does not teach using a telephone number to identify the preferred agent** or including an agent telephone number in a E-mail or other message communicated over the Internet.

Accordingly, the Smith et al. patent can not make up for the Bateman et al. patent's failure to disclose a message that is communicated over the Internet that includes both a customer service representative's telephone number and a customer's telephone number. Thus, the rejection of the pending claims should be withdrawn.

III. The Pending Claims Are Patentable

In response to the previous office action the claims were amended to focus on the call initiation message feature of the present invention, e.g., where a customer's

computer generates a novel call initiation message **including a telephone number corresponding to said user and a telephone number corresponding to at least one customer service representative** or where such a message is received and used. This feature is not taught, disclosed or suggested by the combination of prior art references cited by the Examiner.

In rejecting the claims the Examiner states:

> Bateman et al. also teach that a customer may contact the ACD via email messaging, some method of WWW/Internet communications/html; forms, voice call or mail/message, IVR, etc. (Col. 7, line 14-Col. 8, line 9)
>
> **What Bateman et al. do not teach is including the telephone number of an agent.** However, it is well known in the call center arts that customers for various reasons might want to talk to/communicate with a specific agent as taught by Smith et al. (Office Action pages 3-4 bold added for emphasis)

Applicants agree with the Examiner that Bateman et al. fails to teach a message communicated over the Internet that includes the telephone of an agent.

Teaching that people may want to talk to a preferred agent, which is what the Examiner cites the Smith et al. patent for, in no way makes up for this deficiency of the Bateman et al. patent. The Smith et al. patent fails to teach using a telephone number to identify a specific, e.g., preferred, agent. The Smith et al. patent does not mention E-mail, the Internet, or messages including the telephone number of a preferred agent. Accordingly, this reference when combined with Bateman et al. patent clearly fails to render obvious the novel message of the invention and use of the message communicated over the Internet as recited in the various claims.

Accordingly, even if combined these references would not result in the claimed subject matter. For example, combining the references would not result in the use of **a message, e.g., an E-mail message,** ***originating from a computer located at a user premise,*** over the Internet **representing a request for a call from a customer service representative,** ***said message including a telephone number corresponding to said user and a telephone number corresponding to at least one customer service representative.***

In view of the above discussion, and the failure of the applied references to teach, disclose or suggest the claimed subject matter, the rejection of the pending claims should be withdrawn.

IV. Request For Clarification and A Detailed Explanation of the Basis For Any Repeated or New Rejections

The rejection is clearly not based solely on the applied references, since they fail to disclose many of the claimed features and also fail to teach the novel combination of claimed steps as discussed above. The Examiner's rejection of the pending claims appears to be based, at least in part, upon personal knowledge which is not set forth in the Office Action.

MPEP §707.05 and 37 CFR 104 makes it clear that Applicants are entitled to a full explanation of the basis for any rejection. MPEP §707.05, citing 37 CFR 104 (d)(2) states:

> When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

If the Examiner persists in any of the existing rejections or issues any new rejections based on the applied references, it is requested that the Examiner provide answers to the following questions and provide the information requested below including an Affidavit if the information is based on personal knowledge as opposed to a cited reference. Such information is needed so that Applicants can have a full and fair opportunity to respond to any new or repeated rejections. Applicants have attempted to limit their questions and requests for clarification to issues they deem important to resolving the issue of patentability. Applicants hope the Examiner can accept the questions as a good faith attempt to move the prosecution forward and to clarify any outstanding issues.

The Examiner's rejection includes many statements about what is "obvious" but fails to support these statements with cites to the applied references. Applicants strongly disagree with the Examiner's opinion regarding obviousness but are unable to respond without elaboration on the Examiner's basis for the rejections. Also, Applicants note that the Examiner has failed to cite particular portions of the Smith et al. patent when rejecting the claims. So that Applicant's can have a full and fair opportunity to respond to any repeated or new rejections, Applicant's respectfully request 1) that the Examiner cite a specific portion of the Smith et al. patent in support of the rejection.

Applicants respectfully request that any portions of the rejection which are not supported by a specific cite to a reference or by an Affidavit be omitted from any future office actions and, if the Examiner does not issue a new office Action setting forth the complete rejections upon which the Examiner intends to basis the rejection, that the Examiner indicate which portions of the Final Office Action are no longer being relied upon to reject the claims.

Applicants' find the Examiner's attempts to overcome the deficiencies of Bateman et al. to be unsupported given that the only other applied reference Smith et al. does not discuss the Internet or E-mail messages and that the Examiner does not even allege that it does. Applicants will now quote the rejection and highlight portions of the rejection which are not supported by the applied references while seeking clarification and detailed support for the rejections.

> In rejecting the claims the Examiner states:
>
> *An obvious way for a customer to contact a specific agent is to specify who that agent is, by a telephone number or DNIS for example.* (Office Action p. 4)

2) Applicant's request that the Examiner cite a reference in support of this position, i.e., which specifies a specific agent by a telephone number, so that Applicant's can see the context in which the use of such a

telephone number has, if at all, been taught by the prior art. Applicants respectfully submit that the Smith et al. patent does not describe a telephone number being used to identify a specific or preferred agent (the agent is requested following a call which is made in an attempt to contact the agent). Furthermore, Applicants see nothing in Bateman et al patent that uses a telephone number to specify "a preferred agent".

Applicants further submit that the claim does not merely recite the use of a telephone number to identify an agent. **Various claims are directed to a novel combination of features which include incorporating both an agent telephone number and a customer number into a message which is communicated over the Internet.** Showing the separate use of a telephone number to call a preferred agent, assuming the Examiner can find a reference in support of this proposition, would in no way anticipate or render obvious this novel combination of features which deals with messages communicated over the Internet. These messages include both a customer telephone number and a telephone number corresponding to at least one agent.

In the Office Action the Examiner further states:

> *It would have been obvious for one of ordinary skill in the art at the time the invention was made to have allowed, in the call back process of Bateman et al. to have allowed a customer to specify a certain agent by their associated telephone number or some other agent identifier.* (Office Action page 4)

Applicants respectfully submit that Bateman et al. system does not describe a customer specifying a certain agent by their associated telephone number. Furthermore, use of "some other agent identifier" which does not appear to be shown, might actually teach away from the use of a telephone number as recited in the claims. Accordingly, Bateman et al does not "allow", e.g., support, this feature. If, as Applicants believe, the Examiner is arguing that it would be obvious to modify Bateman et al. in some manner to "allow" customers to specify a certain agent by an associated telephone number, it is respectfully requested that

the Examiner explain, based on the Examiner's personal knowledge or preferably with a cite to a prior art reference: **3) how specifically would the Examiner modify Bateman et al. to support this new functionality?; 4) What teaching in the art (please cite a reference) suggests that the telephone number of the agent *should be conveyed in the claimed manner, e.g., over the Internet in a message which also includes a customer number*?; 5) From where (in the art upon which the rejection is based) would the customer obtain the "associated telephone number" and how would this number be conveyed to the Batemen et al. system?; and 6) where is having a customer identify a "specific" agent by an associated telephone number described in the prior art upon which the rejection is based.**

> In the Office Action the Examiner also states:
>
> Moreover, Bateman et al. contemplate allowing a customer to browse agent voice mailboxes, of course, for the purposes of leaving a specific agent a voice message. (Col. 7, lines 34-42) (Office Action page 4)
>
> The cited portion of Bateman et al. states:
>
> It [the MMM 50] may be used to allow Web browsing of information sources related to the call centre such as the voice mailbox associated with a call center agent. Overflow calls may be routed to voice mail. **The MMM 50 allows the agent or supervisor** to scan large volumes of voice-mail messages, E-mail messages, WWW form request etc, and prioritize and schedule call backs from a combined HOT-LIST. (Col. 7, lines 34-42, bold added).

In reviewing the cited portion (Col. 7, lines 34-42) of the reference, it is clear that an agent or supervisor is provided the opportunity to scan voice-mail messages, E mail messages, WWW form request etc. but there is NO mention of a CUSTOMER being given this capability. Furthermore, it indicates that overflow calls are routed to voice mail. Accordingly, it describes a CALL being used to leave a voice message. The cited portion of the reference does not indicate how the system selects the voice mailbox into which the CALL is forwarded.

Applicants note that teaching that the customer should CALL to contact an agent teaches away from the claimed invention which avoids the need for the customer to place a call to an Agent or customer representative.

If the Examiner relies on col. 7, lines 34-42, of the Bateman et al. patent, in any maintained or new rejection, Applicants request that the Examiner answer the following questions:

7) What claimed element or combination of the claimed elements does the Examiner assert is taught by col. 7, lines 34-42 of Bateman et al.?

8) Does the Examiner contend that col. 7, lines 34-42 describe a customer being able to leave a voice message using a WWW connection of by placing a CALL?

9) If the Examiner contends that a customer is allowed browse an agent's voice-mail messages, e.g., via the Internet (WWW), in addition to agent or supervisor mentioned in this section, where is the customer mentioned in col. 7, lines 34-42?

10) Assuming that the Examiner believes this portion of the reference which talks about "Web browsing" of information sources related to voice mailboxes (and does not mention leaving or retrieving of messages via Web browsing) describes customer access to such information, what does the Examiner contend that "browsing" in this context means? Does "browsing", as the Examiner interprets it, include the leaving of messages and/or does it include the ability to listen to messages? Applicants respectfully submit that it seems highly unlikely that the Bateman et al. system allows customers, seeking to contact agents, the same access to voice messages that the agent and supervisor discussed in this section are described as having. Nor would the Bateman et al. system allow customers to listen to messages from other customers..

In the Office Action, the Examiner also states:

> Bateman et al. also teach that the ACD may provide IVR services to request additional information from a customer. Such flexibility indicates that the system of Bateman et al.

could easily and obviously be adapted to include the claimed feature as explained above. (Office Action p. 4)

Since the Examiner does not cite any particular portion of the Bateman et al. patent in the above quote, and does not cite any feature of the claims in particular, Applicants are unsure what feature or element of the claims, IVR functionality is intended to teach, disclose or suggest that could easily be implemented in Bateman et al.

Applicants understand IVR functionality to normally mean Interactive Voice Response functionality. Applicants respectfully submit that, at least with regard to most if not all of the claims, voice is not mentioned. **Furthermore, the use of interactive VOICE functionality would teach away from the use of an Internet message as recited in claim 1 which deals with a message communicated via the Internet.**

Applicants note that voice input functionality is often very different from E-mail and/or Internet messaging functionality from both a use and implementation perspective. Clearly, however, IVR functionality which allows a user to be queried for additional information, e.g., via voice input and/or output for example, teaches away from supplying the information needed to place a call, e.g., both the agent and customer telephone number, in a message via the Internet, e.g., thereby avoiding the need for an interactive voice response system to collect agent and/or customer telephone number information.

If the Examiner intends to rely on the IVR functionality of Batemen et al. for any teaching or suggestion regarding the invention or to support some argument that modifications to Bateman et al. are easy or obvious to implement, it is respectfully requested that the Examiner answer the following questions and provide the following requested information:

With regard to the reference to IVR capabilities of Batemen et al. in the Office Action:

11) Please identify, with line and page cites, precisely what functionality the Examiner is referring to in the Bateman et al. patent;

12) Please identify precisely what element or combination of elements of the claim or claims, the Examiner contends is taught or rendered obvious by the cited IVR functionality?

13) Precisely what modifications to the Bateman et al. patent's described system are contended by the Examiner to be obvious given Bateman et al.'s IVR capability and how would the Examiner change the Bateman et al. system to implement the Examiner proposed modificiations?

14) **Does the Examiner contend that the IVR functionality prompts for an agent telephone number?** If this is the Examiner's position it clearly teaches away from the claimed invention where the agent telephone number is included in a message along with the customer's number avoiding the need for the information to be requested.

15) If the Examiner can not or does not provide all of the specific information requested in the preceding items relating to the Examiner's cite to IVR functionality, it is requested that the Examiner either indicate that the IVR functionality mentioned in the above quote is no longer being relied upon to reject the claims or issue a new office action with the reference to IVR functionality in the rejection removed there from.

IV. Specific Portions of the Claims Which Render Them Patentable

1. Claim 1 and claims 2-15

The Examiner has failed to cite any reference where a system receives a message over the Internet including a telephone number corresponding to at least one customer service representative from a user premise, let alone a message including both a telephone number corresponding to a user and a telephone number corresponding to at least one customer service representative . Accordingly, alone or

in combination, the applied references fail to teach disclose or suggest the subject matter of claim 1.

Claim 1 is patentable because it recites:

> A method of providing customer service to a user of the Internet, the method comprising the steps of:
>
> **receiving a message, *originating from a computer located at a user premise,*** over the Internet **representing a request for a call from a customer service representative, *said message including a telephone number corresponding to said user and a telephone number corresponding to at least one customer service representative;*** and
>
> operating, in response to said received message, calling equipment to establish a call between said user and a customer service representative.

Claims 2-15 depend from claim 1 and are patentable for the same reasons claim 1 is patentable.

2. **Claim 16 and claims 17-20**

Claims 16 and claims 17-20 are patentable for the same reasons claim 1 is patentable. In particular, claim 16 is patentable because, it recites:

> A method of using a computer coupled to the Internet, the method comprising:
>
> operating the computer to retrieve from the Internet a web page including a button which can be activated by a user of the computer to request a call from a customer service representative;
>
> operating the computer to display said web page to said user;
>
> operating the computer to detect activation of said button by the user; and
>
> in response to activation of said button,
>
> i. **generating a call request message, said call request message *including a first telephone number corresponding to said user* and *a second telephone number corresponding to at least one customer service representative;*** and

ii. transmitting the call request message over the Internet.

Claims 17-20 depend from claim 16 and are patentable for the same reasons claim 16 is patentable.

3. Claim 21 and claim 22

Claim 21 is patentable because, as amended, it recites:

> A method of operating telephone equipment, the method comprising the steps of:
> receiving from a computer system located at a customer premise, a message transmitted using TCP/IP including call set-up information, the set-up information including a telephone number of a customer and a telephone number of a customer service representative,
> operating the telephone equipment to establish a first call with the customer;
> operating the telephone equipment to establish a second call with the customer service representative; and
> **bridging the first and second calls.**

Claim 22 depends from claim 21 and is patentable for the same reasons claim 21 is patentable.

VI. Conclusion

As amended, none of the pending claims are anticipated or rendered obvious by the prior art of record. In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue. **In the event that there are any outstanding issues which need to be resolved the Examiner is invited to call Applicants' undersigned representative to discuss and hopefully resolve said issues.**

Respectfully submitted,

May 3, 2004

Joel Wall
Reg. No. 25,648

Verizon Corporate Services Group Inc.
600 Hidden Ridge Drive
Mail Code: HQE03H14
Irving, Texas 75038
(972) 718-4800

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